United Nations A/RES/58/37

General Assembly

Distr.: General
17 December 2003

Fifty-eighth session
Agenda item 73 (*m*)

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/462)*]

58/37. Missiles

The General Assembly,

Recalling its resolutions 54/54 F of 1 December 1999, 55/33 A of 20 November 2000, 56/24 B of 29 November 2001 and 57/71 of 22 November 2002,

Reaffirming the role of the United Nations in the field of arms regulation and disarmament and the commitment of Member States to take concrete steps to strengthen that role,

Realizing the need to promote regional and international peace and security in a world free from the scourge of war and the burden of armaments,

Convinced of the need for a comprehensive approach towards missiles, in a balanced and non-discriminatory manner, as a contribution to international peace and security,

Bearing in mind that the security concerns of Member States at the international and regional levels should be taken into consideration in addressing the issue of missiles,

Underlining the complexities involved in considering the issue of missiles in the conventional context,

Expressing its support for the international efforts against the development and proliferation of all weapons of mass destruction,

Considering that the Secretary-General, in response to resolution 55/33 A, with the assistance of a Panel of Governmental Experts, submitted a report for the consideration of the General Assembly at its fifty-seventh session on the issue of missiles in all its aspects,[1]

Welcoming the report of the Secretary-General on the issue of missiles in all its aspects,

[1] A/57/229.

1. *Takes note* of the report of the Secretary-General containing the replies from Member States on the report on the issue of missiles in all its aspects, submitted pursuant to resolution 57/71;[2]

2. *Requests* the Secretary-General further to seek the views of Member States on the report on the issue of missiles in all its aspects and to submit a report to the General Assembly at its fifty-ninth session;

3. *Also requests* the Secretary-General, with the assistance of a Panel of Governmental Experts, to be established in 2004 on the basis of equitable geographical distribution, to explore further the issue of missiles in all its aspects and to submit a report for consideration by the General Assembly at its fifty-ninth session;

4. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Missiles".

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[2] A/58/117 and Add.1 and 2.

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Fifty-eighth session
Agenda item 73 (*r*)

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/462)*]

58/38. Regional disarmament

The General Assembly,

Recalling its resolutions 45/58 P of 4 December 1990, 46/36 I of 6 December 1991, 47/52 J of 9 December 1992, 48/75 I of 16 December 1993, 49/75 N of 15 December 1994, 50/70 K of 12 December 1995, 51/45 K of 10 December 1996, 52/38 P of 9 December 1997, 53/77 O of 4 December 1998, 54/54 N of 1 December 1999, 55/33 O of 20 November 2000, 56/24 H of 29 November 2001 and 57/76 of 22 November 2002 on regional disarmament,

Believing that the efforts of the international community to move towards the ideal of general and complete disarmament are guided by the inherent human desire for genuine peace and security, the elimination of the danger of war and the release of economic, intellectual and other resources for peaceful pursuits,

Affirming the abiding commitment of all States to the purposes and principles enshrined in the Charter of the United Nations in the conduct of their international relations,

Noting that essential guidelines for progress towards general and complete disarmament were adopted at the tenth special session of the General Assembly,[1]

Taking note of the guidelines and recommendations for regional approaches to disarmament within the context of global security adopted by the Disarmament Commission at its 1993 substantive session,[2]

Welcoming the prospects of genuine progress in the field of disarmament engendered in recent years as a result of negotiations between the two super-Powers,

Taking note of the recent proposals for disarmament at the regional and subregional levels,

Recognizing the importance of confidence-building measures for regional and international peace and security,

[1] Resolution S-10/2.

[2] *Official Records of the General Assembly, Forty-eighth Session, Supplement No. 42* (A/48/42), annex II.

Convinced that endeavours by countries to promote regional disarmament, taking into account the specific characteristics of each region and in accordance with the principle of undiminished security at the lowest level of armaments, would enhance the security of all States and would thus contribute to international peace and security by reducing the risk of regional conflicts,

1. *Stresses* that sustained efforts are needed, within the framework of the Conference on Disarmament and under the umbrella of the United Nations, to make progress on the entire range of disarmament issues;

2. *Affirms* that global and regional approaches to disarmament complement each other and should therefore be pursued simultaneously to promote regional and international peace and security;

3. *Calls upon* States to conclude agreements, wherever possible, for nuclear non-proliferation, disarmament and confidence-building measures at the regional and subregional levels;

4. *Welcomes* the initiatives towards disarmament, nuclear non-proliferation and security undertaken by some countries at the regional and subregional levels;

5. *Supports and encourages* efforts aimed at promoting confidence-building measures at the regional and subregional levels to ease regional tensions and to further disarmament and nuclear non-proliferation measures at the regional and subregional levels;

6. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Regional disarmament".

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8 December 2003

General Assembly

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Fifty-eighth session
Agenda item 73 (*s*)

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/462)*]

58/39. Conventional arms control at the regional and subregional levels

The General Assembly,

Recalling its resolutions 48/75 J of 16 December 1993, 49/75 O of 15 December 1994, 50/70 L of 12 December 1995, 51/45 Q of 10 December 1996, 52/38 Q of 9 December 1997, 53/77 P of 4 December 1998, 54/54 M of 1 December 1999, 55/33 P of 20 November 2000, 56/24 I of 29 November 2001 and 57/77 of 22 November 2002,

Recognizing the crucial role of conventional arms control in promoting regional and international peace and security,

Convinced that conventional arms control needs to be pursued primarily in the regional and subregional contexts since most threats to peace and security in the post-cold-war era arise mainly among States located in the same region or subregion,

Aware that the preservation of a balance in the defence capabilities of States at the lowest level of armaments would contribute to peace and stability and should be a prime objective of conventional arms control,

Desirous of promoting agreements to strengthen regional peace and security at the lowest possible level of armaments and military forces,

Noting with particular interest the initiatives taken in this regard in different regions of the world, in particular the commencement of consultations among a number of Latin American countries and the proposals for conventional arms control made in the context of South Asia, and recognizing, in the context of this subject, the relevance and value of the Treaty on Conventional Armed Forces in Europe,[1] which is a cornerstone of European security,

Believing that militarily significant States and States with larger military capabilities have a special responsibility in promoting such agreements for regional security,

[1] CD/1064.

Believing also that an important objective of conventional arms control in regions of tension should be to prevent the possibility of military attack launched by surprise and to avoid aggression,

1. *Decides* to give urgent consideration to the issues involved in conventional arms control at the regional and subregional levels;

2. *Requests* the Conference on Disarmament to consider the formulation of principles that can serve as a framework for regional agreements on conventional arms control, and looks forward to a report of the Conference on this subject;

3. *Requests* the Secretary-General, in the meantime, to seek the views of Member States on the subject and to submit a report to the General Assembly at its fifty-ninth session;

4. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "Conventional arms control at the regional and subregional levels".

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Agenda item 73 (*b*)

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/462)*]

58/40. Prohibition of the dumping of radioactive wastes

The General Assembly,

Bearing in mind resolutions CM/Res.1153 (XLVIII) of 1988[1] and CM/Res.1225 (L) of 1989,[2] adopted by the Council of Ministers of the Organization of African Unity, concerning the dumping of nuclear and industrial wastes in Africa,

Welcoming resolution GC(XXXIV)/RES/530 establishing a Code of Practice on the International Transboundary Movement of Radioactive Waste, adopted on 21 September 1990 by the General Conference of the International Atomic Energy Agency at its thirty-fourth regular session,[3]

Taking note of the commitment by the participants in the Summit on Nuclear Safety and Security, held in Moscow on 19 and 20 April 1996, to ban the dumping at sea of radioactive wastes,[4]

Considering its resolution 2602 C (XXIV) of 16 December 1969, in which it requested the Conference of the Committee on Disarmament,[5] inter alia, to consider effective methods of control against the use of radiological methods of warfare,

Aware of the potential hazards underlying any use of radioactive wastes that would constitute radiological warfare and its implications for regional and international security, in particular for the security of developing countries,

Recalling all its resolutions on the matter since its forty-third session in 1988, including its resolution 51/45 J of 10 December 1996,

Also recalling resolution GC(45)/RES/10 adopted by consensus on 21 September 2001 by the General Conference of the International Atomic Energy

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[1] See A/43/398, annex I.

[2] See A/44/603, annex I.

[3] See International Atomic Energy Agency, *Resolutions and Other Decisions of the General Conference, Thirty-fourth Regular Session, 17–21 September 1990* (GC(XXXIV)/RESOLUTIONS (1990)).

[4] A/51/131, annex I, para. 20.

[5] The Conference of the Committee on Disarmament became the Committee on Disarmament as from the tenth special session of the General Assembly. The Committee on Disarmament was redesignated the Conference on Disarmament as from 7 February 1984.

Agency at its forty-fifth regular session,[6] in which States shipping radioactive materials are invited to provide, as appropriate, assurances to concerned States, upon their request, that the national regulations of the shipping State take into account the Agency's transport regulations and to provide them with relevant information relating to the shipment of such materials; the information provided should in no case be contradictory to the measures of physical security and safety,

Welcoming the adoption at Vienna, on 5 September 1997, of the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management,[7] as recommended by the participants at the Summit on Nuclear Safety and Security,

Noting with satisfaction that the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management entered into force on 18 June 2001,

Noting that the first Review Meeting of the Contracting Parties to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management was convened in Vienna from 3 to 14 November 2003,

Desirous of promoting the implementation of paragraph 76 of the Final Document of the Tenth Special Session of the General Assembly,[8] the first special session devoted to disarmament,

1. *Takes note* of the part of the report of the Conference on Disarmament relating to a future convention on the prohibition of radiological weapons;[9]

2. *Expresses grave concern* regarding any use of nuclear wastes that would constitute radiological warfare and have grave implications for the national security of all States;

3. *Calls upon* all States to take appropriate measures with a view to preventing any dumping of nuclear or radioactive wastes that would infringe upon the sovereignty of States;

4. *Requests* the Conference on Disarmament to take into account, in the negotiations for a convention on the prohibition of radiological weapons, radioactive wastes as part of the scope of such a convention;

5. *Also requests* the Conference on Disarmament to intensify efforts towards an early conclusion of such a convention and to include in its report to the General Assembly at its sixtieth session the progress recorded in the negotiations on this subject;

6. *Takes note* of resolution CM/Res.1356 (LIV) of 1991, adopted by the Council of Ministers of the Organization of African Unity,[10] on the Bamako Convention on the Ban on the Import of Hazardous Wastes into Africa and on the Control of Their Transboundary Movements within Africa;

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[6] See International Atomic Energy Agency, *Resolutions and Other Decisions of the General Conference, Forty-fifth Regular Session, 17-21 September 2001* (GC(45)/RES/DEC(2001)).

[7] See GOV/INF/821-GC(41)/INF/12 and Corr.1, appendix I.

[8] Resolution S-10/2.

[9] *Official Records of the General Assembly, Fifty-fourth Session, Supplement No. 27* (A/54/27), chap. III, sect. E.

[10] See A/46/390, annex I.

7. *Expresses the hope* that the effective implementation of the International Atomic Energy Agency Code of Practice on the International Transboundary Movement of Radioactive Waste will enhance the protection of all States from the dumping of radioactive wastes on their territories;

8. *Appeals* to all Member States that have not yet taken the necessary steps to become party to the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management[7] to do so as soon as possible;

9. *Decides* to include in the provisional agenda of its sixtieth session the item entitled "Prohibition of the dumping of radioactive wastes".

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Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/462)*]

58/41. Improving the effectiveness of the methods of work of the First Committee

The General Assembly,

Expressing grave concern over both existing threats to international peace and security and new threats that have become manifest in the post-September 11, 2001 period,

Reaffirming the role of the First Committee of the General Assembly in dealing with questions of disarmament and related international security issues, consistent with the functions and powers of the Assembly in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, as stipulated in Article 11, paragraph 1, of the Charter of the United Nations,

Considering that the improvement of the methods of work of the First Committee would complement and facilitate the broader effort to revitalize the General Assembly,

Noting in this regard the relevant reports of the Secretary-General and related General Assembly resolutions on this subject, as well as the ongoing process in the open-ended informal consultations in the plenary on the revitalization of the Assembly chaired by its President, and seeking to contribute to this effort,

1. *Requests* the Secretary-General, within existing resources, to seek the views of Member States on the issue of improving the effectiveness of the methods of work of the First Committee, to prepare a report compiling and organizing the views of Member States on appropriate options, and to submit the report to the General Assembly for consideration at its fifty-ninth session;

2. *Decides* to include in the provisional agenda of its fifty-ninth session an item entitled "Improving the effectiveness of the methods of work of the First Committee".

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Fifty-eighth session
Agenda item 73 (*i*)

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/462)*]

58/42. National legislation on transfer of arms, military equipment and dual-use goods and technology

The General Assembly,

Recognizing that disarmament, arms control and non-proliferation are essential for the maintenance of international peace and security,

Recalling that effective national control of the transfer of arms, military equipment and dual-use goods and technology, including those transfers that could contribute to proliferation activities, is an important tool for achieving those objectives,

Recalling also that the States parties to the international disarmament and non-proliferation treaties have undertaken to facilitate the fullest possible exchange of materials, equipment and technological information for peaceful purposes, in accordance with the provisions of those treaties,

Considering that the exchange of national legislation, regulations and procedures on the transfer of arms, military equipment and dual-use goods and technology contributes to mutual understanding and confidence among Member States,

Convinced that such an exchange would be beneficial to Member States that are in the process of developing such legislation,

Reaffirming the inherent right of individual or collective self-defence in accordance with Article 51 of the Charter of the United Nations,

1. *Invites* Member States that are in a position to do so to enact or improve national legislation, regulations and procedures to exercise effective control over the transfer of arms, military equipment and dual-use goods and technology, while ensuring that such legislation, regulations and procedures are consistent with the obligations of States parties under international treaties;

2. *Encourages* Member States to provide, on a voluntary basis, information to the Secretary-General on their national legislation, regulations and procedures on the transfer of arms, military equipment and dual-use goods and technology, as well as the changes therein, and requests the Secretary-General to make this information accessible to Member States;

3. *Decides* to include in the provisional agenda of its fifty-ninth session the item entitled "National legislation on transfer of arms, military equipment and dual-use goods and technology".

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Agenda item 73

Resolution adopted by the General Assembly

[*on the report of the First Committee (A/58/462)*]

58/43. Confidence-building measures in the regional and subregional context

The General Assembly,

Guided by the purposes and principles enshrined in the Charter of the United Nations,

Recalling its resolution 57/337 of 3 July 2003 entitled "Prevention of armed conflict", in which it calls upon Member States to settle their disputes by peaceful means, as set out in Chapter VI of the Charter, inter alia, by any procedures adopted by the parties, including the most effective use of the International Court of Justice,

Recalling also the Security Council resolutions relating to the prevention of armed conflict, and noting all Security Council presidential statements relating to this matter,

Considering the importance and effectiveness of confidence-building measures taken at the initiative and with the participation of all States concerned and taking into account the specific characteristics of each region, since such measures can contribute to regional stability,

Convinced that resources released by disarmament, including regional disarmament, can be devoted to economic and social development and to the protection of the environment for the benefit of all peoples, in particular those of the developing countries,

Recognizing the need for meaningful dialogue among States concerned in the regions of tension to avert conflict,

Welcoming the peace processes already initiated by States concerned to resolve their disputes through peaceful means bilaterally or through mediation, inter alia, by third parties, regional organizations or the United Nations,

Recognizing that States in some regions have already taken steps towards confidence-building measures at the bilateral, subregional and regional levels in the political and military fields, including arms control and disarmament, and noting that such confidence-building measures have improved peace and security in those regions and contributed to progress in the socio-economic conditions of their people,

Concerned that the continuation of disputes among States, particularly in the absence of an effective mechanism to resolve them through peaceful means, may contribute to the arms race and endanger the maintenance of international peace and security and the efforts of the international community to promote arms control and disarmament,

1. *Calls upon* Member States to refrain from the use or threat of use of force in accordance with the purposes and principles of the Charter of the United Nations;

2. *Reaffirms its commitment* to the peaceful settlement of disputes under Chapter VI of the Charter, in particular Article 33, which provides for a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements or other peaceful means chosen by the parties;

3. *Calls upon* Member States that have not already done so to open consultations and dialogue in the regions of tension without preconditions;

4. *Urges* States to comply strictly with all bilateral, regional and international agreements, including arms control and disarmament agreements, to which they are party;

5. *Urges also*, in the context of confidence-building measures, the maintenance of military balance between States in the regions of tension consistent with the principle of undiminished security at the lowest level of armaments;

6. *Encourages* the promotion of unilateral, bilateral and regional confidence-building measures to avoid conflict and prevent the unintended and accidental outbreak of hostilities;

7. *Requests* the Secretary-General to seek the views of Member States with a view to exploring possibilities of furthering efforts towards confidence-building measures in the regional and subregional context, particularly in the regions of tension;

8. *Also requests* the Secretary-General to report on the subject to the General Assembly at its fifty-ninth session;

9. *Decides* to include in the provisional agenda of its fifty-ninth session an item entitled "Confidence-building measures in the regional and subregional context".

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